



**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

PRW

Paul R. Warren
Clerk of Court

Buffalo (716) 551-4130
Rochester (585) 613-4200

**NOTICE RE: ELECTRONIC ISSUANCE OF SUMMONS IN ADVERSARY
PROCEEDINGS EFFECTIVE DECEMBER 2, 2005**

No. 05-05

December 2, 2005

Bankruptcy Rule 7004 was amended to authorize the Clerk specifically to sign, seal, and issue a summons electronically. Attached is a sample electronic summons which will be issued beginning on December 2, 2005.

Registered e-filing attorneys will receive summons electronically through the Court's CM/ECF System. The Plaintiff's Attorney must print and reproduce sufficient copies of the summons for proper service pursuant to Bankruptcy Rule 7004.

Non-Registered attorneys and pro se plaintiffs will receive a copy of the electronically-generated summons in the U.S. Mail.

The requirement for the Plaintiff and/or Plaintiff's Attorney to provide a summons to the Court for issuance with the filing of an adversary proceeding is eliminated.

PAUL R. WARREN
Clerk of Court

UNITED STATES BANKRUPTCY COURT
Western District of New York
Olympic Towers, Suite 250
300 Pearl Street
Buffalo, NY 14202
www.nywb.uscourts.gov

In Re:

SSN/Tax ID:

Case No.:
Chapter:

Debtor(s)

Plaintiff(s)

A.P. No.:

v.

Defendant(s)

SUMMONS IN AN ADVERSARY PROCEEDING

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall submit a motion or answer to the complaint within 35 days.

Olympic Towers, Suite 250
300 Pearl Street
Buffalo, NY 14202

At the same time, you must serve a copy of the motion or answer upon the plaintiff's attorney.

Perry Mason
Mason & Mason Law Firm
500 Park Ave.
Rochester, NY 14614

If you make a motion, your time to answer is governed by Bankruptcy Rule 7012.

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT. ALL DOCUMENTS REGARDING THIS MATTER MUST BE IDENTIFIED BY BOTH ADVERSARY AND BANKRUPTCY CASE NUMBERS.



Paul R. Warren
Clerk, U.S. Bankruptcy Court

By:
Deputy Clerk

CERTIFICATE OF SERVICE

I, _____, certify that I am, and at all times during the
(name)
service of process was, not less than 18 years of age and not a party to the matter concerning which service of
process was made. I further certify that the service of this summons and a copy of the complaint was made
_____ by:
(date)

- ☐ Mail Service: Regular, first class United States mail, postage fully pre-paid, addressed to:

- ☐ Personal Service: By leaving the process with defendant or with an officer or agent of defendant at:

- ☐ Residence Service: By leaving the process with the following adult at:

- ☐ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

- ☐ Publication: The defendant was served as follows: [Describe briefly]

- ☐ State Law: The defendant was served pursuant to the laws of the State of _____, as follows: [Describe briefly] (name of state)

Under penalty of perjury, I declare that the foregoing is true and correct.

Date _____

Print Name		
Business Address		
City	State	Zip